

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4901 OF 2005

Panther Investrade Ltd. & Ors. ..Petitioners.

Vs.

Bank of India & anr. ..Respondents.

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Mr.Sanjay Jain with Mr.Nishit Dhruva with
Mr.Prakash Shinde i/b M/s.M.Dhruva & Co. for the
Petitioners.

Mr.Nitin Thakkar with Mr.Satish Shetye i/b
M/s.M.S.Bodhanwalla & Co. for Respondent No.1.

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CORAM : A.P.SHAH &

DR.D.Y.CHANDRACHUD, JJ.

26th July, 2005.

P.C. :

1. Heard counsel appearing for the parties.

2. Perused the orders passed by the Debt Recovery Tribunal and Debts Recovery Appellate Tribunal. The Petitioners had moved an application for inspection of the documents which was allowed

on 15th March, 2002. But the Petitioners did not take inspection for almost a year and half and thereafter moved a fresh application in February 2005. This application was rejected by the Debt Recovery Tribunal on 23rd February, 2005. The appeal preferred before the Debts Recovery Appellate Tribunal was rejected on 1st April, 2005. The Writ Petition preferred by the Petitioners being Writ Petition 2625 of 2005 was dismissed by the Division Bench on 25th April, 2005 observing that the Petition has been filed only to delay the proceedings pending before the DRT. The Division Bench, however, recorded the statement of counsel appearing for the Respondent Bank that in order to avoid any further delay the Bank will give inspection of documents at Sr. Nos.1 to 8 which relate to the suit transaction except the document at Sr.No.3. In view of the statement of the learned counsel, the inspection was allowed subject to the Petitioners paying cost of Rs.20,000/-.

3. Thereafter the inspection of the relevant entries and vouchers was given to the Petitioners. Not satisfied with this, the Petitioners again moved the DRT seeking direction to the bank to give

inspection of the other documents as well. The DRT rejected the application pointing out that the bank had agreed to give inspection of only those documents which relate to transaction and not the supporting vouchers of each and every entry made in the statement. The appeal preferred before the DRAT was also dismissed.

4. In our opinion, the orders passed by the DRT and DRAT are correct and proper and do not call for any interference under Article 226. In our opinion, the present Petition is totally abuse of the process of law. We dismiss the Petition with a direction to the Petitioners to pay compensatory cost to the bank quantified at Rs.10,000/-